



PROPOSED RULE MAKING

CR-102 (June 2004)**(Implements RCW 34.05.320)**Do **NOT** use for expedited rule making**Agency: Department of Labor and Industries**

- ☒ **Preproposal Statement of Inquiry was filed as WSR 05-10-074 ; or**
☐ **Expedited Rule Making--Proposed notice was filed as WSR _____; or**
☐ **Proposal is exempt under RCW 34.05.310(4).**

- ☒ **Original Notice**
☐ **Supplemental Notice to WSR _____**
☐ **Continuance of WSR _____**

Title of rule and other identifying information: Chapters 296-307 WAC, Safety Standards for Agriculture; 296-350 WAC, WISHA Administrative Rules; 296-800, Safety and Health Core Rules; and, 296-900 WAC, Administrative Rules.

Hearing location(s):
Department of Labor and Industries
Rooms S117 and S118
7273 Linderson Way SW
Tumwater, Washington

Date: January 13, 2006 Time: 9:30 AM

Submit written comments to:

Name: Jim Hughes, Project Manager
Address: PO Box 44620
Olympia, WA 98507-4620
e-mail hugw235@lni.wa.gov
fax (360) 902-5619 by January 19, 2006

Assistance for persons with disabilities: Contact

Kimberly Russell by January 11, 2006
TTY (360) 902-5008 or email to hata235@lni.wa.gov

Date of intended adoption: February 7, 2006

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The Occupational Safety and Health Administration (OSHA) found our Administrative Rules to be less effective than the Federal requirements. The proposed changes will make the WISHA rule at least as effective as the Federal equivalent rules. Housekeeping changes will be made, in addition to rewriting for clarity and usability. Existing rules contained in chapter 296-350 WAC, Administrative Rules, and WAC 296-800-350, WISHA Appeals, Penalties, and other Procedural Rules, are being combined into a single book titled Administrative Rules and will be applicable to all businesses, including those currently covered by Chapter 296-307, Safety Standards for Agriculture.

Reasons supporting proposal: See Attachment 1

Statutory authority for adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060

Statute being implemented: Chapter 49.17 RCW

Is rule necessary because of a:

Federal Law? ☐ Yes ☒ No
Federal Court Decision? ☐ Yes ☒ No
State Court Decision? ☐ Yes ☒ No
If yes, CITATION:

CODE REVISER USE ONLY**WSR # 05-23-145**

DATE
November 22, 2005

NAME (type or print)
Gary K. Weeks

SIGNATURE

TITLE
Director

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None.

Name of proponent:

Department of Labor and Industries

☐ Private

☐ Public

☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Tracy Spencer	Tumwater	(360) 902-5530
Implementation....Stephen M. Cant	Tumwater	(360) 902-5495
Enforcement..... Stephen M. Cant	Tumwater	(360) 902-5495

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No. Explain why no statement was prepared.

RCW 19.85.030(1)(a) requires a small business economic impact statement only when a rule will “impose more than a minor cost on businesses in an industry.” An analysis of the proposed rule reveals that in addition to not imposing new costs on businesses, these revisions will make WISHA rules easier for employers and employees to understand and use, and thus save time and resources. Additionally, the rule is exempt from conducting an SBEIS because the changes will make the rule at least as effective as OSHA and many of the changes are clarifying in nature the changes. RCW 34.05.310(4)(c) and (d).

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No: Please explain:

There are no costs to assess within these proposed rules. Additionally, the rule is exempt from conducting a CBA because the changes will make the rule at least as effective as OSHA and many of the changes are clarifying in nature the changes. RCW 34.05.328(5)(b)(iii) and (iv).

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Department of Labor and Industries

WISHA Services Division

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Hearing Date: January 13, 2006

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Attachment 1

(Purpose Statement)

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- (a) Purpose, summary, reasons supporting proposal, short explanation of rule, its purpose, and anticipated effect, and changes the proposal makes to existing rules.

The Occupational Safety and Health Administration (OSHA) found our Administrative Rules to be less effective than the Federal requirements. The proposed changes will make the WISHA rule at least as effective as the Federal equivalent rules. Housekeeping changes will be made, in addition to rewriting for clarity and usability. Existing rules contained in chapter 296-350 WAC, Administrative Rules, and WAC 296-800-350, WISHA Appeals, Penalties, and other Procedural Rules, are being combined into a single book titled Administrative Rules that will be applicable to all businesses, including those currently covered by Chapter 296-307, Safety Standards for Agriculture.

AMENDED SECTIONS:**NEW SECTIONS:**

WAC 296-900-100, Scope
WAC 296-900-110, Section Contents
WAC 296-900-11005, Applying for a Variance
WAC 296-900-11010, Interim Orders
WAC 296-900-11015, Renewing a Temporary Variance
WAC 296-900-11020, Changing a Variance
WAC 296-900-11025, Variance Hearings
WAC 296-900-120, Section Contents
WAC 296-900-12005, WISHA Inspections
WAC 296-900-12010, Inspection Techniques
WAC 296-900-12015, Hazard Complaints
WAC 296-900-130, Section Contents
WAC 296-900-13005, Citation and Notice
WAC 296-900-13010, Copies of Future Citation and Notices
WAC 296-900-13015, Posting Citation and Notices
WAC 296-900-140, Section Contents
WAC 296-900-14005, Reasons for Monetary Penalties
WAC 296-900-14010, Base Penalties
WAC 296-900-14015, Base Penalty Adjustments
WAC 296-900-14020, Increases to Adjusted Base Penalties
WAC 296-900-150, Section Contents
WAC 296-900-15005, Certify Violation Correction
WAC 296-900-15010, Violation Correction Action Plans
WAC 296-900-15015, Progress Reports
WAC 296-900-15020, Timelines of Violation Correction Documents
WAC 296-900-15025, Inform Employees about Violation Correction
WAC 296-900-15030, Tag Moveable Equipment

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Department of Labor and Industries

WISHA Services Division

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Attachment 1

(Purpose Statement)

WAC 296-900-160, Section Contents

WAC 296-900-16005, Requesting more time to Comply

WAC 296-900-16010, Post WISHA Response to Requests for More Time

WAC 296-900-16015, Correction Date Hearing Requests

WAC 296-900-16020, Post WISHA's Violation Correction Hearing Notice

WAC 296-900-16025, Violation Correction Hearing Procedures

WAC 296-900-16030, Post the Violation Correction Hearing Decision

WAC 296-900-170, Section Contents

WAC 296-900-17005, Appealing a Citation and Notice (C&N)

WAC 296-900-17010, Appealing a Corrective Notice of Re-determination (CNR)

WAC 296-900-17015, Posting Appeals

WAC 296-900-180, Definitions